

REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application not previously allowed. Claims 1-7, 25-37 are presently rejected. Claims 8-24 are presently allowed. Claims amended herein are 1, 25, 29, and 34.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on January 24, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art, namely Takenaka. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments incorporating subject matter already indicated to be allowable.

[0006] I understood the Examiner to tentatively agree that independent claims 1, 25, 29, and 34 would be patentable over the cited art if amended as discussed during the interview.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments and Additions

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 25, 29, and 34 herein.

Substantive Matters

Claim Rejections under § 102

[0011] Claims 1-7 and 25-37 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,807,450 B1 issued to Takenaka. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0012] As discussed in the examiner interview, the independent claims 1, 25, 29, and 34 have been amended to include subject matter from the previously allowed claims.

Anticipation Rejections

[0013] Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.¹ Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.²

¹ "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

² See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Based upon Takenaka

[0014] The Examiner rejects claims 1-7 and 25-37 under 35 U.S.C. § 102(e) as being anticipated by Takenaka. Applicant respectfully traverses the rejections of these claims. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 25, 29 and 34

[0015] As discussed during the above mentioned Examiner interview, the independent claims 1, 25, 29, and 34 have been amended to include allowed subject matter from allowed claims 8-24.

[0016] As discussed during the interview, Takenaka fails to teach the element wherein the first and second data files are analyzed in order to determine the fade in and fade out points. This element is claimed in the previously allowed claims and is herein included by amendment in claims 1, 25, 29, and 34.

[0017] Consequently, Takenaka does not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-7, 26-28, 30-33, and 35-37

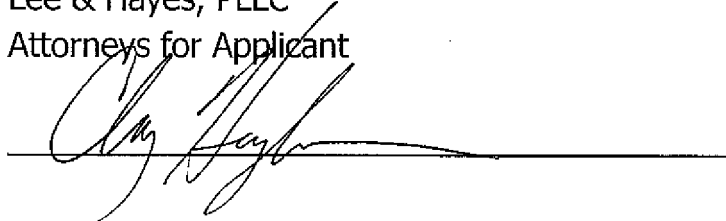
These claims ultimately depend upon independent claim 1, 25, 29 or 34. As discussed above, claims 1, 25, 29 or 34 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Conclusion

[0018] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

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